

REMARKS

In the Office Action of May 2, 2005, there was an objection to the word "and" in two places, and these words have been deleted by the Amendment to the claims 1 and 5.

The Office Action rejected claims 1-8 as being unpatentable over Grunert et al., U.S. Patent No. 5,288,958, which basically shows a coupling mechanism and a complex linkage to a rotary switch handle that can be located on the door of an enclosure.

It is apparent that the Examiner is reading Applicant's multiple switching assemblies in claims 1 and 5 as being installed simultaneously, because Grunert shows only one complex switching assembly of many parts. For example, the parts of Figs. 1, 2, 3, 4, 5 and 7 of Grunert are all installed together in Fig. 6.

In contrast thereto, the present invention claimed in claims 1, 2, 3, 5 and 10 provides alternative switching assemblies for installation on a switch base.

The Office action states the claims may still be read as including only one of the assemblies because claims 1 and 5 both recite "for receiving a switch assembly." However, while only one of the switching assemblies need be installed at one time, all of the recited switch assemblies, as more particularly defined by the claims, must be manufactured, or available or offered for installation to meet the terms of the claims.

Claims 9-13 were rejected as unpatentable over Grunert et al., U.S. Patent No. 5,288,958 in view of Pieroneck et al., U.S. Patent No. 5,452,201. In this regard, it was assumed that claim 9 did not include the limitations regarding the common form factor for the network conductivity module. In Pieroneck the network connectivity modules have different shapes and sizes and are not stacked together, but are connected only through wiring runs.

The Examiner objected to claim 9 because it claimed a same form factor, while the specification described a similar form factor.

Page 9 of the specification stated that:

Figs. 2, 3 and 4 illustrate a network connectivity module 70 that is attached to the one side of a disconnect switch 10 having three fuse cartridges 12a, 12b and 12c mounted on a switch body 11. As seen in Fig. 3, this module has flexible hooked fingers 71, 72 and flexible channel connectors 73, 74 for snapping in grooves in the switch body 11 housing supporting switch cartridge 12c.

. . . . A five-socket network connector 95 plugs into a five-pin connector 96 on the network connectivity module 70.

Fig. 3 shows that the form factor of module 70 is the same except for these connectors 71, 72, 73, 74 and 96.

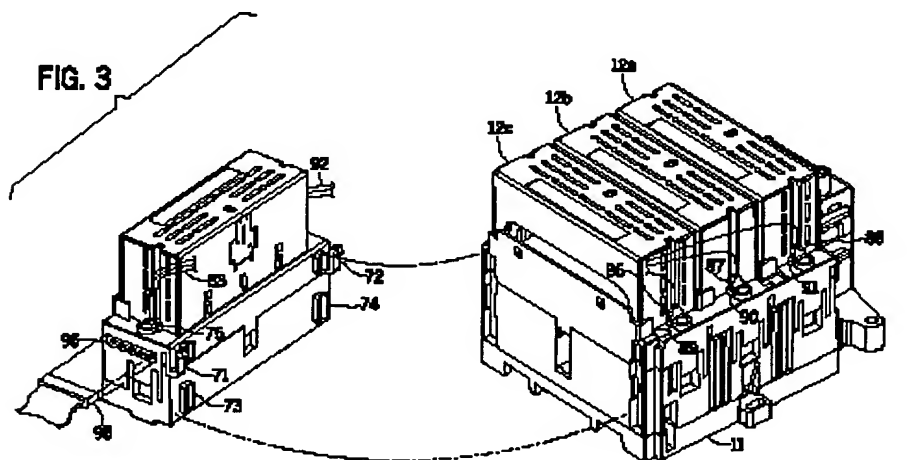


Fig. 3, U.S. Patent Appl. No. 10/812,704

The specification has now been amended consistent with Fig. 3 and the other description on page 9 to recite that: "The network connectivity module 70 has substantially the same form factor as the fuse modules 12a, 12b, and 12c, the difference being provided by connectors 71, 72, 73, 74 and 96 described above."

Claim 9 has also been amended consistent with this amendment to the specification. The matter is not new matter because it was shown in the drawings in Fig. 3, as filed.

MPEP 2163.02 states in part:

An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. (Citation omitted) Possession may be shown in a variety of ways including description of an actual reduction to practice, or by showing that the invention was "ready for patenting" such as by the disclosure of drawings or structural chemical formulas that show that the invention was complete, or by describing distinguishing identifying characteristics sufficient to show that the applicant was in possession of the claimed invention. (Citations omitted)

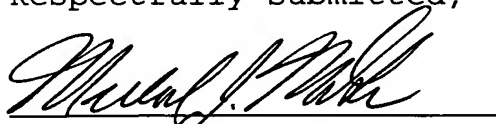
Because the matter of the form factor was described in part in the text at page 10, and the amended description is a clarification that is apparent from the drawing and the other parts of the text to one of ordinary skill in the art, it is respectfully submitted that the amendment to the specification is a clarification of the original disclosure and does not constitute new matter.

CONCLUSION

In view of the Amendment and Remarks, reconsideration of the patent application is respectfully requested. After the amendment, claims 1-13 are now pending and a Notice of Allowance for these claims is earnestly solicited.

Respectfully submitted,

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